## REMARKS/ARGUMENTS

Claims 15, 28, and 46 are currently amended to include the subject matter that rendered claim 51 allowable. Applicants respectfully assert that the subject matter of the amended claims are fully supported by the specification and drawings as originally filed at least under MPEP 2163(II)(A)(3)(a) and 2181(IV), and that no new matter has been presented. Entry thereof is respectfully requested.

### Interview Request

Applicants are concurrently submitting a formal request for an interview with the Examiner. One Request for Continued Examination has already been filed in this case, and the interview would be the first interview on the merits. Also, under MPEP 713.09 one interview after final rejection is permitted and may be granted if the examiner is convinced that disposal may be accomplished with only nominal further consideration. Further, under MPEP 714.12, one personal interview may be entertained after a final action if circumstances warrant.

Here, as set forth below, all of the independent claims either include, or have been amended to include, the subject matter that rendered claim 51 allowable. Accordingly, all of the claims pending in this application now include subject matter that has been deemed to be allowable. Therefore, disposal should be accomplished with only nominal further consideration and, thus, Applicants respectfully assert that the Examiner should grant the requested interview.

### Allowable Subject Matter

Applicants note and appreciate the allowance of claims 51, 52, and 56.

Also, the Office Action included an objection to claims 22 and 24 as being dependent upon a rejected base claim, but indicated that such claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In light of the arguments set forth below, it is respectfully submitted that Applicants' independent claim 15 is allowable. Accordingly, because dependent claims 22 and 24 are but further delineations of independent claim 15 from which they depend, the objected to dependent claims 22 and 24, by definition, are also allowable. Applicants respectfully request reconsideration and withdrawal of the objections to claims 22 and 24.

**Claim Rejections - 35 U.S.C. § 102(b)**

Independent claims 15, 28, and 46, and dependent claims 16-21, 23, 29-34, 47-50, and 55 were rejected under 35 U.S.C. 102(b) as being anticipated by Kruger et al (WO98/45594).

Claims 15 and 28 have been amended to each recite the following subject matter that rendered claim 51 allowable: a flap device including a flap inlet defined by an inlet flap outer conduit and an inlet flap inner conduit, **wherein the inlet flap inner conduit is in fluid communication with a valve inlet within an inner bore of a valve body**.

Similarly, claim 46 has been amended to recite the following subject matter that rendered claim 51 allowable, albeit with different terminology: **a pressure valve inlet communicable with a flow valve inlet of a valve body, and a pressure valve to control communication between the pressure valve inlet and the flow valve inlet of the valve body.**

Kruger discloses in conjunction with FIGS. 2 (and 5), a control valve 10 having an actuator 21 (72) connected to a flow valve 20 (53), which is connected via a spring 12 (17) to a pressure valve 22 (51). The flow valve 20 (53) controls flow between a fuel feed 24 (35) and a fuel outlet 23 (36), and the pressure valve 22 (51) controls flow between a return line 26 (38) and a tank line 27 (37).

Kruger does not disclose that the pressure valve 22 (51) includes an inner pressure valve conduit in communication with the fuel feed 24 (35) or that the spring 12 (17), in a first valve configuration, permits the pressure valve 22 (51) to open to communicate the inner pressure valve conduit with the fuel feed 24 (35).

Therefore, Kruger does not disclose Applicants' claimed structural interrelationship of claims 15 and 28, wherein a flap device includes a flap inlet defined by an inlet flap outer conduit and an inlet flap inner conduit, wherein the inlet flap inner conduit is in fluid communication with a valve inlet within an inner bore of a valve body. Also, therefore, Kruger does not disclose Applicants' claimed structural interrelationship of claim 46, wherein a pressure valve inlet communicable with a flow valve inlet of a valve body, and a pressure valve to control communication between the pressure valve inlet and the flow valve inlet of the valve body.

For at least these reasons, Applicants respectfully submit that claims 15, 28, and 46 recite novel and patentable subject matter and request reconsideration and withdrawal of the rejection.

Claims 16-21, 23, 29-34, 47-50, and 55 are ultimately dependent on a respective one of independent claims 15, 28 and 46, and under principles of claim dependency, define novel and

patentable subject matter for at least the foregoing reasons and for the novel subject matter disclosed therein.

Accordingly, reconsideration and withdrawal of the rejection of claims 15-21, 23, 28-34, 46-50, and 55 under 35 U.S.C. § 102 is respectfully requested.

**Claim Rejections - 35 U.S.C. § 103**

Claims 43-45, 53, and 54 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kruger in view of Good. Further, claims 35-42 rejected under 35 U.S.C. 103(a) as being unpatentable over Kruger in view of Kelly (2004/0123841).

Independent claim 43 recites, *inter alia*, a pressure valve inlet communicable with a flow valve inlet of a valve body, and a pressure valve axially spaced apart from the flow valve and disposed in a bore of the valve body to control communication between the pressure valve inlet and the flow valve inlet. In other words, claim 43 recites, albeit using different terminology, the subject matter that rendered claim 51 allowable.

Kruger does not teach or suggest that the return line 26 (38) is communicable with the fuel feed 24 (35) or that the pressure valve 22 (51) controls communication between the return line 26 (38) and the fuel feed 24 (35). In other words, Kruger does not teach or suggest Applicants' claimed structural interrelationships wherein a pressure valve inlet communicable with a flow valve inlet of a valve body, and a pressure valve axially spaced apart from the flow valve and disposed in a bore of the valve body to control communication between the pressure valve inlet and the flow valve inlet.

Good does not cure the aforementioned deficiencies with Kruger because, like Kruger, Good also fails to teach or suggest Applicants' claimed structural interrelationships wherein a pressure valve inlet communicable with a flow valve inlet of a valve body, and a pressure valve axially spaced apart from the flow valve and disposed in a bore of the valve body to control communication between the pressure valve inlet and the flow valve inlet.

Dependent claims 53 and 54 each ultimately depend from independent claim 15 and, thus, include subject matter that is not disclosed, taught, or suggested by Kruger for at least the reasons set forth above with respect to the § 102 rejection.

Good does not cure the aforementioned deficiencies of Kruger because, like Kruger, Good also fails to teach or suggest Applicants' claimed structural interrelationship wherein a flap

device includes a flap inlet defined by an inlet flap outer conduit and an inlet flap inner conduit, wherein the inlet flap inner conduit is in fluid communication with a valve inlet within an inner bore of a valve body.

As to claims 35-42, it is generally asserted in the Office Action that it would have been obvious to operate Kruger's system at pressures disclosed by Kelly because those pressures are standard to a rail system. Even if that assertion were true, mere operation of Kruger's system at Kelly's disclosed pressures would not result in the subject matter of each of Applicants' claims 35-42 for at least the reasons asserted above with respect to claims 15 and 28 from which claims 35-38 and 39-42 respectively depend.

Kelly does not cure the aforementioned deficiencies of Kruger because, like Kruger, Kelly also fails to teach or suggest Applicants' claimed structural interrelationships wherein a flap device includes a flap inlet defined by an inlet flap outer conduit and an inlet flap inner conduit, wherein the inlet flap inner conduit is in fluid communication with a valve inlet within an inner bore of a valve body.

Applicants submit that none of the cited references, whether taken individually or in any permissible combination, disclose the limitations of claims 35-42, 43, 53, or 54. Further, claims 44 and 45 are dependent on claim 43, and under principles of dependency, contain patentable subject matter in view of the foregoing reasons and for the additional subject matter recited therein.

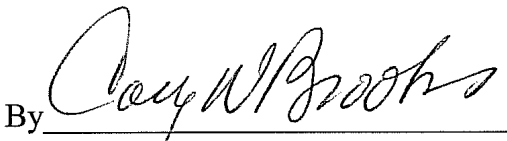
Reconsideration and withdrawal of all of the 35 U.S.C. § 103 rejections are respectfully requested.

**Conclusion**

In view of the finality of the Office Action, every attempt was made to remove any issues remaining in the application and to place all the claims in condition for allowance. It is respectfully asserted that there are no further issues, formal or substantive, that remain for prosecution. Formal allowance of the application is, therefore, respectfully solicited. If the Examiner is not persuaded that all issues are resolved, the undersigned respectfully requests that the Examiner grant the requested interview to enable an attempt to be made to resolve any remaining issues. Otherwise, in the event the Examiner is not persuaded of the patentability of the claims, the Examiner is respectfully requested to enter the amendment for purposes of appeal.

Applicants' counsel hereby authorizes the Examiner to charge Applicants' Deposit Account No. 50-0852 the fee for any fees due to file this Amendment.

Respectfully submitted,

By 

CARY W. BROOKS
Registration No. 33,361

Reising Ethington PC
P.O. Box 4390
Troy, Michigan 48099-4390
Telephone: 248-689-3500
Facsimile: 248-689-4071
Email: brooks@reising.com
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